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Mr. Wayne Chiu, Ms. Christina Arias, and Ms. Laurie Walsh  
California Regional Water Quality Control Board  
San Diego - Region 9  
2375 Northside Drive, Suite 100  
San Diego, California 92108

**Re: *San Dieguito Water Quality Improvement Plan***

Dear Mr. Chiu, Ms. Arias, and Ms. Walsh:

I have followed the development of the *San Dieguito Water Quality Improvement Plan* *through its development*. I appreciate the process of including the public in the development of these plans unfortunately many critical comments requesting much needed improvements to the plan are not reflected in the final submittals. As a member of the *San Dieguito Water Quality Improvement Plan* consultation committee I have made these comments previously as well. I now request that the Board require revisions to the plans to address the following areas.

**A. The primary goal should be water quality improvement and strengthen requirements.**

The document lists the 'prevention of further degradation' of water quality in the WMA as the first and primary goal. This is too low a goal. We should be setting a goal to 'improve' the water quality in the region where it is degraded. Status quo is not where we want to stay.

The permits to date have not been effective to achieving the water quality necessary for the region. Part of this is the problem of lack of compliance and part is the permits have not required enough action to address the problem. Now is the time and these WQIPs are the place to address this. They should be strengthened so that we are not still in the same place 5 years from now.

**B. The SDGWQIP should include additional 'priority' or 'focus' areas that will receive attention and strategy development over the permit term.**

The SDGWQIP is grossly deficient in that it only includes one priority focus area for the entire 346 square mile watershed. This is the bacteria issue at the discharge point to the ocean. This is insufficient a priority to see 'improvement' in the quality of the watershed if this is the sole focus for the next 5 years.

Our watershed is large and very diverse. The problems and challenges in Mesa Grande are very different from near Lake Hodges are different than Del Mar. At a bare minimum, there should be an additional priority, for each major section of the watershed and/or each co-permittee.

**C. Felicita Creek merits an enhanced effort as a result of this document.**

It is summer and kids spend a lot of time in Felicita Park. Once in the park, they are drawn to Felicita Creek. Most Sunday's I walk in the Park and see kids in, near, fishing from, swimming in Felicita Creek. This is their right and it is what the Clean Water Act promises to them. The creek suffers from on-going VOCs from Chatham Waste site, exceedances of bacteria standards in the creek, nutrient pollution, and significant erosion. All of this is in violation of water board regulations. I appreciate that Escondido has added collaboration on the water quality issues in Felicita Creek as a strategy. However, as written, it appears to put the responsibility of convening such a meeting on the public. I request that the Water Board require the city and county commit to convene and develop as aggressive action plan to bring this heavily used creek up to standards. The WQIP should designate this high priority and polluted creek, a high priority for action.

**D. SDGWQIP should PROHIBIT the sale and use of invasive plants.**

The WQIP only suggests that invasive plants should be 'avoided' in multi-use treatment areas. They should be **prohibited everywhere**. This is very important on many levels—including water quality. The problems of invasive plants and the **huge expense** they cause are well-known to local government. It is hard to understand why invasive Fountain Grass, Arundo and other horrific invasive plants continue to be allowed to be sold in local stores and then millions of dollars, usually of public money, must be spent removing them. **Please use this document to prohibit the use and sale of invasive plants in our watershed.**

**E. SDGWQIP should require use of IPM to reduce herbicides, pesticides, and related water quality problems.**

SDGWQIP should *require* Integrated Pest Management (IPM) in residential development and by grounds maintenance done by HOAs or developers as conditions of approval. This could be an effective way to reduce these loads in stormwater.

**F. SDGWQIP should require aggressive programs for retrofitting and new development to meet standards of xeriscaping, rain water harvesting, and water conservation.**

There are many hundreds of new homes proposed for construction in the San Dieguito Watershed. I worked closely with Escondido Neighbors United on the Oak Creek housing

development process. Our experience was that Escondido in particular, will do only the barest minimum of standards of water conservation and stormwater runoff protection. In fact, we are convinced that the design of the storm water plans for the Oak Creek development are insufficient and a more protective plan was possible.

In addition, much more can and should be required related to retrofitting existing development. This continues to be a huge deficiency in the WQIPs.

#### **G. SDGWQIP Escondido needs strong additional strategies on enforcement.**

There is a repeated and troubling view of stormwater pollution, regulation, and enforcement in Escondido that the Board needs to consider in its decision-making. Watching the video recordings of the Escondido City Stormwater Workshops Escondido Council discussions of March 11<sup>1</sup>, May 6<sup>2</sup>, May 20<sup>3</sup> related to storm water regulations provide more than enough examples that a majority of the Escondido City Council is antagonistic to the permit's efforts to improve water quality in the region. Based on these many comments, there appears to be poor understanding of this issue and little interest to learn more about it.

After hearing several Councilmembers repeat that they want to do the 'minimum' of what is required, I strong urge the Regional Board to bring the WQIP into compliance with the MS4 and **require** the strategies in the WQIP and raised by the public and to **require a** clear, pro-active, and demonstable commitment to enforcement.

As reported in a local community blog,

*In her excellent presentation, Environmental Programs Manager Helen Davies emphasized that the **City had scaled back the implementation steps to the minimum necessary** to comply with the Stormwater Permit as the Councilmen had requested at the March meeting. (emphasis added)*

--<http://ablueviewescondido.com/2015/05/12/invective-part-ii/>

In a previous meeting, the writer noted a councilmember opined,

*...what would happen if the City just ignored the requirements,...*

--<http://ablueviewescondido.com/2015/03/12/invective-and-ignorance/>

<sup>1</sup> <https://escondido.12milesout.com/MeetingVideo/895348d7-06ee-46a3-abfa-2a3f297de08a>

<sup>2</sup> <https://escondido.12milesout.com/MeetingVideo/460487bb-23b8-4e73-ad88-dfa73e07209b>

<sup>3</sup> <https://escondido.12milesout.com/MeetingVideo/f00269b6-5cb6-4034-bb9a-08a64290f565>

None of this bodes well for water quality or inspires confidence that Escondido will empower their staff to implement a quality WQIP.

Given this current situation, the Water Board should require more explicit enforcement and ability for public oversight for Escondido. Stronger requirements will make it easier, clearer, and give staff stronger tools to ensure compliance with the MS4.

Specifically, the SDGWQIP should include strategies around an enforcement response plan such as County Strategy 13 which *“requires and confirms”* that BMPS are designed, constructed, and maintained. (compare to ES-4)<sup>4</sup>. This is the kind of language that should be infused throughout Escondido’s strategies. In addition, County Strategies 14—*to enforce legal authority establish legal authority for all development projects to achieve compliance*; 15-- *Maintain and update a watershed-based inventory of all construction projects issued a local permit that allows ground disturbance or soil disturbing activities*; and, 16-- *to call out and focus on BMP inspections at an appropriate frequency and enforcement of requirements* should also be included in Escondido strategies.

The SDGWQIP should also include clear enforcement authority over HOA’s performance of maintenance of BMPs. Currently, the city does not have enforcement authority over the HOAs per recent responses to comments in the Oak Creek FEIR.

ES-5 *Update the BMP manual* actually does not include any language committing to BMP requirements are more stringent than they are now. We certainly don’t want to see it updated, and weakened.

Last, the severity of the drought highlights our need to increase requirements on new and existing development to capture rainwater, do more ‘waterworks’ to hold it on site, and implement water conservation actions. All of these should be reflected more strongly in these documents.

## **H. Additional timelines should be added to SDGWQIP**

Timelines and triggers for required retrofits of trash areas should be enhanced. We know trash areas are a source, we should have a plan to address them. ES-8.5 does state when a trash area retrofit will be required, however it includes a loophole (voiding requirement for retrofit if improvement does not meet the retrofit cost) that should be closed.

In addition, trash retrofits should be added as an upgrade requirement to ES-8 as the new minimum BMP. Many businesses may not do an improvement so would never be required

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<sup>4</sup> Also compare CoSD-9 to ES-1. ES-1 does not use the word ‘require’.

to upgrade their trash BMPs. Part of the regular inspections by staff should assess the condition/management of the trash at a site and require a time schedule for upgrading.

The timelines for the collaborative efforts around Felicita Creek and Lake Hodges should also be added. The County should be added to ES-24 and a timeframe given.

### **I. SDGWQIP should show the path for activating optional strategies**

Many of the County Optional strategies are excellent and should be required and would help us achieve water quality. The SDGWQIP should clearly state how 'optional' strategies can become 'active' strategies.

In the Escondido section, some of the good Optional strategies pursued (ES-31 and 32) will only be pursued if the very limited, narrow interim goals are not met. I strongly recommend that these strategies be given a timeline to be pursued within the scope of this permit. It is not understandable why we wouldn't want to pursue these actions now and secure clean water as soon as we can.

I support the comment letter filed by San Diego Coastkeeper and San Diego Audubon Society and urge you to address and revise according to the many reasonable recommendations made therein.

In closing, the promise made by this new 'approach' to the MS4 will not be realized unless the WQIPs are significantly improved. I urge you to do so.

Thank you for the opportunity to comment on this important issue.



Laura Hunter  
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San Dieguito Water Quality Improvement Consultation Committee